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April 28, 2020

Via ECF

Hon. John R. Tunheim  
Chief Judge  
United States District Court  
District of Minnesota  
300 South Fourth Street  
Minneapolis, MN 55415

RE: *In re Pork Antitrust Litigation*, Civ. No. 18-cv-1776 (JRT/HB);  
*Commonwealth of Puerto Rico v. Agri Stats, Inc.*, Civ. No. 19-2723  
(JRT/HB); *Winn-Dixie Stores, Inc. v. Agri Stats, Inc.*, Civ. No. 19-  
1578 (JRT/HB)  
Conference Regarding May 13, 2020 Remote Hearing

Dear Judge Tunheim:

In light of the exigent circumstances caused by the COVID-19 pandemic, and the Court's General Orders providing guidance during this emergency, the parties in these three matters have met and conferred with the goal of developing a joint proposal for conducting the May 13, 2020 hearing remotely. We write to update the Court regarding the agreement reached during these conferences, so that the Court may take the parties' proposal under advisement in advance of the hearing.

This Court's General Order indicates that hearings can take place via video or teleconference. *See* General Order No. 6 (March 31, 2020). All parties in these matters have confirmed that they have the capability of proceeding with either a video conference or a teleconference, as the Court sees fit. Thus, to the extent that the Court has a preference for either method, the parties have no objections. Should the Court have no preference, some counsel in this matter have recently used WebEx successfully in other Federal proceedings, including in the District of Minnesota. The parties would be willing to set up and circulate a WebEx link for a public video hearing, if the Court so desires.

Given that these cases involve numerous parties, all plaintiffs and defendants have agreed to nominate a limited number of attorneys to speak at the hearing. And to the extent that either side anticipates using demonstratives during their argument, the parties

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have also agreed that those should be shared with the Court by no later than noon CDT the day before the hearing and exchanged among the parties at 5 pm CDT that evening.

Finally, since remote hearings involve a unique set of challenges, the parties suggest allocating 90 minutes for each side's argument – with defendants speaking first, plaintiffs' response, and a rebuttal for defendants. Absent direction otherwise, the parties plan to submit the motions to dismiss the Indirect Purchaser Class Plaintiffs' state-law claims on the briefs, without oral argument. However, to the extent that the Court believes that different time allocations should govern this hearing, the parties will adapt.

We hope that the proposals outlined in this letter reduce the burden on the Court during these exceptional circumstances. Thank you for your consideration.

Respectfully,

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